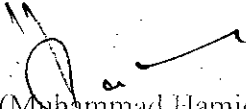


04.09.2018


Appellant in person and Mr. Muhammad Jan, Learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 04.09.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Javid Iqbal Senior Clerk for the respondents present. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
04.09.2018

14.11.2017

Appellant in person and Mr. Ziaullah, DDA alongwith Mr. Mukhtiar Ali, Assistant Secretary for respondents present. Appellant seeks adjournment Adjourned. To come up for arguments on 15.12.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

15.12.2017

Appellant in person and Addl. AG for the respondents present. Appellant seeks adjournment. To come up for arguments on 21.02.2018 before the D.B.


Member


Chairman

21.02.2018

Due to non availability of D.B. Adjourned. To come up on 24.04.2018 before D.B.


(Gul Zohor Khan)
Member

24.04.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Atta Ullah Assistant Secretary for the respondents present. Clerk to counsel for the appellant seeks adjournment as Learned counsel for the appellant is not available. Adjourn. To come up for arguments on 09.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

485/2015

13.03.2017


None present for appellant. Mr. Muhammad Ibrar, Assistant Secretary alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Notice be issued to appellant and his counsel for submission of rejoinder and arguments on 03.07.2017 before D.B.

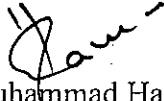

(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

03.07.2017


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Daud Khan, Assistant for the respondent present. Counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 03.10.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

03.10.2017

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Mukhtiar Ali, Supdt for respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 14.11.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD HAMID MUGHAL)
MEMBER

20.05.2016

Appellant with counsel, M/S Mukhtiar Ali Supdt. and Iftikhar Ahmed, Kanungo alongwith Assistant AG for respondents present. Written reply by respondents not submitted despite extension of last opportunity at the cost of Rs. 1000/-. One more last opportunity is extended. To come up for written reply/comments and cost of Rs. 1000/- on 22.6.2016 before S.B.

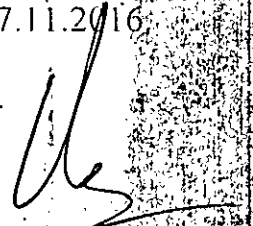


Member

20.06.2016

Counsel for the appellant and Mr. Iftikhar Ahmad, Kanungo alongwith Addl. AG for respondents present. Reply of behalf of respondent No. 1 submitted. Addl. AG relies on behalf of respondent No. 2 on the same. Cost of Rs. 1000/- received and receipt thereof obtained from learned counsel for the appellant. To come up for rejoinder and final hearing before D.B on 7.11.2016

Member



07.11.2016

(Amir Khan) Junior to counsel for the appellant and Mr. Mukhtiar Ali, Supdt. alongwith Assistant AG for respondents present. Rejoinder not submitted. Requested for adjournment. To come up for rejoinder and arguments on 13.3.17



(MUHAMMAD AAMIR NAZIR)
MEMBER



(PIR BAKHSH SHAH)
MEMBER


25.11.2015

Appellant in person and Addl: A.G for official respondents No. 1 and 2 present. It was noted that service of private respondents was not effective. Let fresh notices be issued to private respondents No. 3 to 9 for written reply/comments for 29.2.2016 before S.B.


Chairman

29.02.2016

Counsel for the appellant and Addl: A.G for official respondents No. 1 and 2 present. None present on behalf of private respondents No. 3 to 9 despite service through registered post. Proceeded ex-parte. The learned Addl: AG requested for further adjournment. Last opportunity granted. To come up for written reply/comments on behalf of official respondents No. 1 and 2 on 26.4.2016 before S.B.


Member

26.4.2016

Appellant in person and Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 20.03.2016 before S.B.


Chairman

3

29.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Patwari on 17.1.1981 and was confirmed on 5.2.1986 and later on promoted as Girdawar on 17.1.2001. That after the promotion of the appellant departmental rules were framed on 28.6.2001 according to which departmental examination is to be passed by the candidates prior to promotion to the post of Girdawar. That the said rules are not applicable in the case of the appellant but despite the same the appellant is not being confirmed as Girdawar despite the fact that he is at serial No. 1 of the seniority list and, furthermore, one Muhammad Iqbal is similarly placed employee and even junior to appellant was confirmed as Girdawar.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 27.7.2015. Notice of stay application be also issued for the date fixed.


Chairman

4

27.07.2015

Appellant with counsel present. Security and process fee not deposited. Requested for further time. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 3.9.2015 before S.B.


Chairman

Appellant Deposited
Security & Process Fee

03.09.2015

Appellant in person and Mr. Mukhtiar Ali, Supdt. alongwith Addl. A.G for official respondents No. 1 and 2 present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.11.2015 before S.B.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 485/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.05.2015	<p>The appeal of Mr. Muhammad Younas resubmitted today by Mr. Fāqir Hussain Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;">  REGISTRAR </p>
2	25-5-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-5-15</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Muhammad Younus son of Mkuhammad Ibrahim received to-day i.e. on 20.05.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of impugned notification bearing No. SRO 457(I)2001 dated 28.6.2001 mentioned in para-B of the grounds of appeal and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Page No. 23 of appeal is illegible which may be replaced by legible/better one.

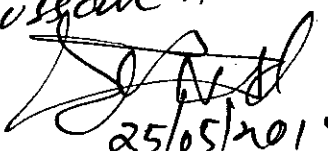
No. 771 /S.T,

Dt. 21/5 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fagir Hussain Adv. Pesh.

Respected Sir my means that
Annexure "C" mentioned SRO No 457(I)2001
Dated 28/6/2001, is to be the impugned
rules. So I have no other material
and re-submitted the instant appeal
after necessary completion and correction.

Fagir Hussain Advocate

25/05/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 485 of 2015

Muhammad Younus Appellant

VERSUS

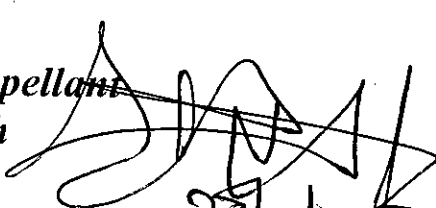
Mohammad Iqbal S/o Sarbiland Khan & others
..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal with affidavit		1-8
2.	Application for temporary injunction with affidavit		9-11
3.	Addresses of the parties		12
4.	Copy of Seniority List	"A"	13-17
5.	Copy of departmental appeal	"B"	18-23
6.	Copy of impugned notification	"C"	24-26
7.	Wakalat Nama	In original	

Dated 20/04/2015

Appellant
Through


20/04/15
Faqir Hussain
Advocate High Court
Peshawar

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 485 of 2015

Muhammad Younus S/o Muhammad Ibrahim
R/o Gulbahar Peshawar City.

..... Appellant

K.W.P. Province
Service Tribunal
Diary No. 518
Dated 20-5-2015

VERSUS

- 1- Deputy Commissioner Peshawar
- 2- Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
- 3- Mohammad Iqbal, Girdawar Badaber Circle, District Courts Area Tehsil Building Peshawar.
- 4- Muhammad Nadeem Girdawar Badaber Circle, District Courts Area Tehsil Building Peshawar.
- 5- Abdul Wahab Patwari at Deputy Commissioner Office Peshawar
- 6- Namdar Khan Patwari Halqa Tarnab Form G.T Road, Peshawar
- 7- Zikriya Patwari D.C Office Peshawar.
- 8- Main Saddiq Ali Shah Patwari Halqa Mouza Landi Yarghajo Peshawar.
- 9- Mian Noor Ul Haq Patwari Halqa Mouza Achar Kohat Road, Peshawar.

..... Respondents

Private Respondents
From 3 to 9
are Ex-parte
29-2-2016

Filed to-day
Registrar
20/5/15

Re-submitted to-day
and filed.

Registrar
25/5/15

**SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 FOR THE
PROMOTION OF THE APPELLANT FROM
THE POST OF PATWARI TO, GIRDAWAR /
KANNONGO.**

Prayer in Appeal:

On the acceptance of this appeal the respondents No. 1 & 2 may kindly be directed to confirm the appellant for the post of Girdawar / Kannongo from the date of his first promotion granted him exemption from the passing of examination of Girdawar / Kanungo and provide seniority and all back benefit of Girdawar to the appellant from January 2002 and any other remedy if this Hon'ble Tribunal deem proper..

Respectfully Sheweth:

The appellant submit as under;

- 1- That the appellant has been recruited as a Patwari on 17/01/1981 and was confirmed on 05/02/1986, on the same post as per seniority list issued on 31/12/2013 from the Office of Respondent No.1 Deputy Commissioner, Peshawar, the name of the appellant is placed on Serial No.1 of the seniority list. (Copy of Seniority List is attached as Annexure "A")*
- 2- That for the purpose of promotion, claiming Seniority and requested for the back benefits the appellant preferred departmental representation before the respondents No.1 on 29/08/2014, which is still pending before respondent No.1 but neither any decision has been taken nor or any order has been*

3

passed. (Copy of Departmental appeal is attached as Annexure "B").

3- That feeling aggrieved from the said silence of respondent No.1 despite of 8 months wait the appellant approach this Hon'ble Tribunal, so far as the appellant shall be retired after one year, as he have completed 59 years of age, for that very reason the appellant preferred this appeal on the following grounds amongst others:

Grounds:

A) That appellant was recruited as patwari on 17/01/1981 and was confirmed on the said post on 05/02/1986 and later on was posted on the basis of acting charge base promotion as Girdawar in PDA in the year 2001, as the appellant was the most senior Patwari at that time at the seniority list, the appellant performing his duty with the best of his ability very honestly, sincerely and devotedly.

B) That on 28/06/2001 through Notification SRO No.457(1)2001 it was incumbent upon the promotion of Patwari shall be made on the basis of passing of examination of Girdawar, the said rules was passed by the Department of Finance and Establishment but no retrospective effect of the said rules was extended to the prior

4

promoted Patwaries. (Copy of impugned notification is attached as Annexure "C").

- C) That after the promotion of the appellant in the year of 2001 until know the appellant has been working is Girdawar or Office Kanongo on the pay and scale of Patwari at Tehsil District Peshawar.*
- D) That the appellant was promoted before passing of Rules through which promotion shall be made on the basis of Girdawar Examination.*
- E) That the identical case is of the respondent No.3 who was also promoted before the passing of Notification No. SRO 457 (1) dated 28/06/2001, and he was promoted and confirmed by the respondent No.2 / SMBR through judgment dated 15/04/2009. On the basis of Rules of consistency and hard work for the department the appellant is also liable to be entitled of the same relief.*
- F) That respondent No.3 at Serial No.24 of the Seniority list is recruited on 05/04/1990 and was confirmed on 09/09/1999. But he was promoted as Girdawar and the respondents No.1 & 2 have the intention to confirm him on the post of Girdawar as he is so junior than the appellant, furthermore, the appellant also filed*

(5)

departmental representation against the premature promotion of respondent No.4, which was decided by the Deputy Commissioner on 08/05/1999 and the said order was also maintained by Commissioner Peshawar Division through order dated 19/08/1999, and the respondent No.4 was declared Junior than the appellant and his promotion order was cancelled.

G) That respondent No.5, was appointed on 26/07/1981 and was confirmed on 04/05/1991 and his name placed at S.No.4 of the seniority list respondent No.6 was recruited on 12/04/1991 as a Patwari and was confirmed on 09/08/1999 on the said post and was placed at Serial No.28 like its respondent No.7 was selected as a Patwari on 10/01/1991 and as per seniority list, list of 31/12/2013 issued from the office respondent No.1, he was not confirmed and placed it at Serial No.32 of the seniority list as compare to it respondent No.8 was recruited as Patwari on 27/12/1989 and yet not confirmed and placed his name at Serial No.45 of the Seniority List likewise the respondent No.9 was appointed as Patwari on 10/05/2000 and not confirmed yet, on this position his name was placed at Serial No.59 of the seniority list. But despite of the none confirmation on the subsequent post and junior than the appellant

6

the respondent No.1 and 2 are going to promote them as a confirm Girdawar / Kannongo, which is discrimination with the appellant as the name of the appellant is placed at Serial No.1 of the seniority list but unfortunately with some ulterior motives the promotion of the appellant is kept and mum by the respondent No.1 and 2.

That Citation B of Rule 17 of the Khyber Pakhtunkhwa appointment, promotion and transfer Rules 1989 clearly stated as under:

----- In the case of civil servant of appointment otherwise with reference to the date of their continuous regular appointment in the post provided that civil servant selected for promotion to higher post in one batch shall on their promotion to higher post retain their inter-see seniority as in the lower post.

H) That as per Rules statute the fundamental rights of the appellant is infringe and the appellant is entitled for the promotion on seniority basis as he is the most senior Patwari and placed it Serial No.1 of the seniority issued of respondent No.1.

I) That the promotion of the appellant is with held on the basis of one or more pretext as the appellant has not passed the requisite examination for Girdawar / Kanungo, for which the explanation is that first the appellant is promoted is earlier than passing of rules regarding passing of the examination and secondly the case of Iqbal Girdawar Respondent No.3, identical to the case of appellant. Respondent No.2 granted exemption to him from passing of Girdawar / Kanungo examination which is important fact for the case of appellant and the appellant is also liable for the same treatment.

J) That the appellant being senior in age in service is entitled to be confirmation to the post of Girdawar / Kanungo and entitled for all back benefits from January 2001 as this Hon'ble Tribunal deemed proper.

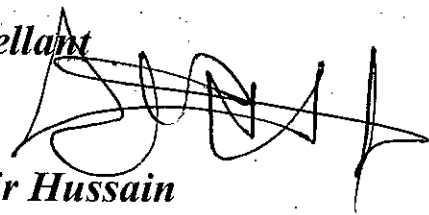
K) That any other ground will be raised at time of argument with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that On the acceptance of this appeal the respondents No. 1 & 2 may kindly be directed to confirm the appellant for the post of Girdawar / Kannongo from the date of his first promotion granted him exemption from the passing of examination of Girdawar / Kanungo and provide seniority and all back benefit of Girdawar to the appellant from January 2001 and any other remedy which this Hon'ble Tribunal deem fit and proper.

Dated 30/04/2015



Appellant
Through



Faqir Hussain
Advocate High Court
Peshawar

8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ of 2015


Muhammad Younus Appellant

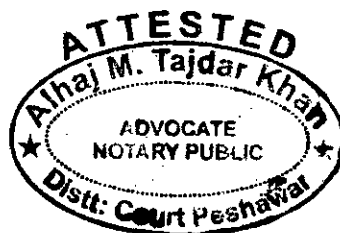
VERSUS


~~Deputy Commissioner~~ & others
..... Respondents

Affidavit

I, Muhammad Younus S/o Muhammad Ibrahim
R/o Gulbahar Peshawar City do hereby solemnly affirm
and declare on oath that the contents of the
accompanying appeal are true and correct to the best
of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.

17301-2542250-9 
DEPONENT




30/4/2015

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ of 2015

Muhammad Younus Appellant

VERSUS

~~Deputy Commissioner & others~~
..... Respondents

APPLICATION FOR TEMPORARY/MANDATORY
INJUNCTION TO THE EFFECT THAT THE
RESPONDENT NO. 1 AND 2 MAY KINDLY BE
RESTRAINED FROM THE PROMOTION OF
RESPONDENT NO. 3 TO 1 AS BEING MOST JUNIORS
TO THE APPELLANT.

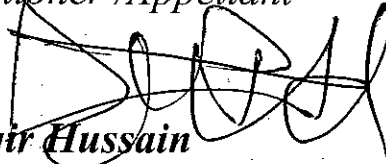
Respectfully Sheweth:

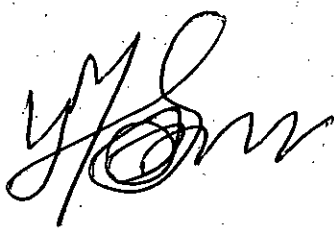
- 1- That the instant service appeal has been instituted before this Hon'ble Tribunal for the purpose of adjudicating for which no date has been fixed yet.
- 2- That the appellant has the prima facie case required consideration and may be succeeded.
- 3- That balance of convenience also lies in favour of the appellant.
- 4- That the contents of the appeal may kindly be consider an integral part and parcel of this application.
- 5- That if the mandatory injunction is not granted in favour of the appellant against the respondents, the appellant will be suffer an irreparable loss.

6- That any other ground will be raised at time of argument with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application, the temporary/mandatory injunction to the effect that the respondent No. 1 and 2 may kindly be restrained from the promotion of respondent No. 3 to 4 as being most juniors to the appellant.

Dated 30/04/2015

Petitioner /Appellant
Through 
Faqir Hussain
Advocate High Court
Peshawar



(11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ of 2015

Muhammad Younus Appellant

VERSUS

~~Deputy Commissioner~~ & others
..... Respondents

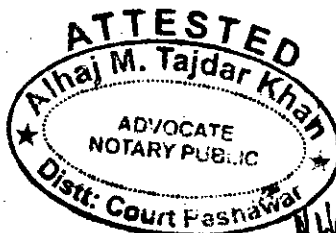
Affidavit

I, Muhammad Younus S/o Muhammad Ibrahim
R/o Gulbahar Peshawar City do hereby solemnly affirm
and declare on oath that the contents of the
accompanying application for temporary / mandatory
injunction are true and correct to the best of my
knowledge and belief and nothing has been concealed
from this Hon'ble Tribunal.

DEPONENT

17301-8542250-9

[Signature]



[Signature]
30/4/2015

12

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ of 2015

Muhammad Younus Appellant

VERSUS

Mohammad Iqbal S/o Sarbiland Khan & others
..... Respondents

ADDRESSES OF THE PARTIES

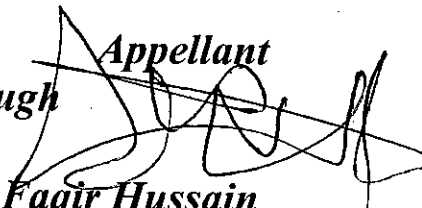
Appellant

Muhammad Younus S/o Muhammad Ibrahim
R/o Gulbahar Peshawar City.

Respondents

- 1- Deputy Commissioner Peshawar
- 2- Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar
- 3- Mohammad Iqbal, Girdawar Badaber Circle, District Courts Area Tehsil Building Peshawar.
- 4- Muhammad Nadeem Girdawar Badaber Circle, District Courts Area Tehsil Building Peshawar.
- 5- Abdul Wahab Patwari at Deputy Commissioner Office Peshawar
- 6- Namdar Khan Patwari Halqa Tarnab Form G.T Road, Peshawar
- 7- Zikriya Patwari D.C Office Peshawar.
- 8- Main Saddiq Ali Shah Patwari Halqa Mouza Landi Yarghajo Peshawar.
- 9- Mian Noor Ul Haq Patwari Halqa Mouza Achar Kohat Road, Peshawar.

Dated 20/04/2015

Appellant
Through 
Faqir Hussain
Advocate High Court
Peshawar

Final
TENTATIVE SENIORITY LIST OF PATWRIS OF DISTRICT PESHAWAR AS ON 31-12-2013

Annexure

(13)

S.NO	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
1	Muhammad Younue	Muhammad Ibrahim	27-8-1956	17-1-1981	5-2-1986	
2	Syed Basharat ali shah	Sakhawat ali Shah	1-10-1956	13-10-1980	5-2-1986	
3	Muhammad khursheed	Abdul karim	20-4-1957	19-3-1981	20-4-1987	
4	Abdul wahab	Hamid Gul	20-4-1957	26-7-1981	4-5-1991	
5	Muhammad javid	Muhammad Ayub	10-3-1957	17-3-1986	4-5-1991	
6	Syed Musharaf Shah	Akram shah	10-10-1956	21-9-1983	25-10-1993	
7	Muhammad Bashir	Muhammad Zaman	4-6-1956	10-5-1986	25-10-1993	
8	Javid Ahmad	Gul muhammad	15-4-1958	21-12-1987	25-10-1993	
9	Ibadul ilah	Tahmash kham	1-1-1958	23-11-1986	25-10-1993	
10	Fazli mukhtaj	Fazli Rehman	3-5-1956	3-3-1983	25-10-1993	
11	Multan khan	Khalid khan	11-4-1955	17-3-1981	25-10-1993	X
12	Noor ul qamar	Faqir muhammad	20-9-1959	1-7-1987	25-10-1993	X
13	Shukat ali	Ibrahim khan	15-1-1956	11-3-1984	25-10-1993	X
14	Faqir hussain	Abdul Haq	19-2-1955	20-7-1985	13-2-1996	X
15	Saddiq Akbar	Abdul Akbar	20-4-1963	10-11-1987	13-2-1996	X
16	Riaz Ahmad	Abdullah khan	15-6-1963	24-11-1986	13-2-1996	X
17	Raiz ahmad	Sakhi Sarwar	5-11-1963	7-1-1990	13-2-1996	X
18	Payu gul	Shamsurehman	29-10-1956	22-1-1990	13-2-1996	X
19	Muhammad Ali	Abdul malik	19-9-1956	1-4-1990	13-2-1996	
20	Nisar muhammad	Muhammad Yousaf	3-3-1966	8-8-1988	13-2-1996	
21	Shirali Gul	Gul Rehman	20-12-1955	23-1-1987	9-8-1999	
22	Muhammad Salahuddin	Hidayt Ullah	15-1-1962	1-1-1990	9-8-1999	
23	Haji Muhammad	Malak Manawer khan	1-5-1967	1-9-1990	9-8-1999	
24	Muhammad Nadeen	Saleem khan	1-12-1971	5-4-1990	9-8-1999	
25	Muhammad Qiyas	Akhtar munair	12-3-1957	1-9-1990	9-8-1999	
26	Saeed Ahmad	Faiz muhammad	19-3-1970	30-5-1991	9-8-1999	
27	Muhammad Arshid	Nadir khan	1-1-1968	1-9-1990	9-8-1999	
28	Namdar khan	Minadar	14-9-1969	12-4-1992	9-8-1999	
29	Muhammad Shuib	Haji Habib ur rehman	1-1-1964	30-10-1993	9-8-1999	
30	Ilyas khan	Salim khan	15-4-1969	9-1-1995	9-8-1999	
31	Muhammad Jamil	Muhammad azam	4-2-1970	23-8-1993	9-8-1999	
32	Zikreya khan	Astam khan	1-9-1966	10-1-1995		
34	Muhammad Aslam	Muhammad Yousaf	25-4-1970	8-1-1995		
35	Tariq Javid Gul	Faiz Gul	5-3-1973	27-2-1997		

NOTES TO BE THE COPY

[Handwritten signature]

50

When option

[Handwritten notes in Urdu and English, including 'When option' and other remarks]

(14)

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
36	Dedar Khan	Minadar Khan	1-1-1973	24-10-1992		احتیاج پاس میں ہے
37	Muhammad Ilyas	Abdur rouf	8-1-1965	30-10-1993		
38	Muhammad saeed	Ghulam Muhammad	20-4-1971	1-11-1990		NAD
39	Izhar Ahmad	Muhammad Munir				Dismissed
40	Tilawat Ur Rehman	Fazli Rehman	1-6-1971	17-5-2000		احتیاج پاس میں ہے
41	Mir Rehman shah	Mir Shad	1-4-1967	17-5-2000		
42	Jalil ur Rehman	Fazli Subshan	1-2-1971	20-6-2001		X
43	Mukamil Shah	Maroof Shah	2-2-1970	2-5-2000		suspended
44	Ikram Ullah	Habib ur Rehman	5-9-1967	14-7-2001		
45	Mian Saddiq Ali Shah	Inayat Ullah Shah	11-7-1968	27-12-1989		
46	Syad Tajamul Hussain	Syed Akbar Hussain	1-3-1972	17-5-2000		suspended
47	Muhammad Israr	Abdul Jabar	15-4-1968	15-5-2000		
48	Ihsan Ul Haq	Noor Ul Haq	1-3-1971	17-5-2000		
49	Salah Ud din	Nasrullah	27-9-1970	12-5-2000		X
50	Fazli Rabi	Ghulam Rabbani	10-3-1968	6-5-2000		
51	Mir Zaman	Nasrullah Khan	3-4-1969	19-5-2000		
52	Farman ali	Abdul Wali	15-6-1968	17-5-2000		
53	Gulzar Ahmad	Ayub khan	15-1-1967	11-5-2000		
54	Qasir Ud Din	Abdul Hakeem	15-3-1969	15-5-2000		احتیاج پاس میں ہے
55	Wisal khan	Zikreya khan	12-4-1971	17-5-2000		
56	Asghar khan	Musam khan	30-6-1970	10-5-2000		
57	Raiz khan	Aslam khan	15-4-1972	1-5-2000		
58	Zarshad khan	Roshan khan	25-12-1972	26-5-2000		
59	Mian Noor Ul Haq	Main Shams Ul Qamar	12-3-1972	10-5-2000		
60	Siraj Muhammad	Wali Muhammad	2-2-1967	18-3-1986		Posted in this office vide high court order
61	Tariq Hussain	Abdur Rashid	15-3-1973	20-6-2001		
62	Muhammad Abid	Abdul Munaif	13-4-1973	20-6-2001		
63	Tilawat khan	Salikhin	20-12-1972	23-7-2001		
64	Ifrahim Shah	Ibrahim Shah	7-3-1973	16-2-2009		
65	Gohar ali	Syed Shareef	15-4-1969	9-8-2006		
66	Muhammad Naeem	Rasool shah	1-1-1974	14-6-2011		
67	Muhammad Shahid	Muhammad Yousaf	15-8-1975	16-9-2005		
68	Muhammad Younas	Muhammad Yousaf	8-8-1971	15-9-2009		
69	Sher Alam	Zareen khan	12-3-1973	16-9-2005		
70	Sher wali	Zafar khan	9-4-1970	9-8-2006		
71	Naveed Ahmad	Faiz Muhammad	19-12-1972	16-9-2005		

ATTESTED TO BE TRUE COPY

(Handwritten signatures)

5a

5c

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
72	Anwer Zeb	Payenda khan	15-3-1972	16-9-2005		
73	Sikandar khan	Amin Ullah Khan	3-2-1971	16-9-2005		
74	Muhammad Saeed	Ghulam Nabi	13-5-1974	16-4-2009		
75	Ali Akbar	Muhammad ishaq	12-3-1973	12-8-2006		
76	Noor Hussain	Shamsher khan	8-12-1974	16-9-2005		
77	Muhammad Haroon	Abdul wahab	18-2-1974	14-6-2011		
78	Muhammad Israr	Haji Khansher	14-10-1974	16-8-2006		
79	Amjid khalil	Rakheem Bakhsh	15-3-1973	12-8-2006		
80	Zain Ul Abideen	Banaras khan	1-4-1975	1-9-2005		
81	Alamzeb	Aurangzeb	7-4-1972	16-9-2005		
82	Inam Ullah	Awal Khan	20-4-1975	12-8-2006		
83	Iftikhar Ahmad	Aziz Ullah	7-8-1971	14-6-2011		
84	Aurang Zeb	Payenda khan	27-3-1971	12-8-2006		
85	Mian Inam Ullah	Mian Fazli Khalig	17-12-1972	14-6-2011		
86	Masood Khan	Ghulam Sarwar	15-3-1968	19-11-1989		
87	Syed Alamgir shah	Syed Jehangir Shah	20-8-1975	12-8-2006		
88	Mansoor Khan	Noor Rehman	6-9-1970	12-7-2011		
89	Muhammad Amir	Abdul wahab	21-12-1976	18-1-2010		
90	Sadaqat Ullah	Muhammad Pervaiz	12-8-1989	18-1-2010		
91	Ibrar khan	Abdul Satar	12-3-1976	18-1-2010		
92	Alam Zeb khan	Farid Ullah	7-3-1980	18-1-2010		
93	Ishfaq Ahmad	Dost Muhammad	20-8-1980	3-9-2009		
94	Muhammad Zareef	Haji Muhammad Sharif	21-4-1978	18-1-2010		
95	Falak naz	Niamat ullah	1-10-1976	19-2-1998		
96	Sajjad	Gul Jan	2-4-1977	28-1-2010		
97	Ikhtyar Ud Din	Miher Din	1-1-1976	15-1-2010		
98	Nasrullah	Saleem khan	19-12-1979	18-1-2010		
99	Zarshad	Ali Akbar	2-1-1975	20-4-2012		
100	Azeem Ullah	Fazli Azeem	3-3-1979	18-1-2010		
101	Inayat Ullah	Muhammad Yousaf	1-1-1977	18-1-2010		
102	Farhad	Haji Dost Muhammad	15-1-1975	1-9-1995		
103	Asad Ullah	Farid Ullah	105-1977	18-1-2010		
104	Ghafoor khan	Fazli Rakhim	2-11-1977	18-1-2010		
105	Asif khan	Janas Khan	2-3-1978	16-1-2010		
106	Mashooq Jan	Farid Ullah	18-3-1978	18-1-2010		
107	Roohamin	Ghulam Muhammad	20-1-1976	13-4-2010		

ATTES TED TO BE TRUE COPY

10
—
20

16

NO	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
108	Sana Ullah	Hidayat Ullah	20-7-1977	11-5-2010		
109	Iftikhar Alam	Sher Alam	20-1-1974	4-10-2004		
110	Aftab Ahmad	Fazli wahid	19-9-1979	17-5-2010		
111	Zahid ullah	Rasheed khan	7-9-1981	14-6-2011		
112	Javid khan	Madad khan	18-3-1980	21-9-2010		
113	Zahir khan	Hanif khan	31-3-1982	21-9-2010		
114	Shahjehan	Saleem Khan	15-3-1984	21-9-2010		
115	Amjid Sohail	Hafeez Ullah	15-12-1979	1-12-2011		
116	Amjid khan	Firdos khan	4-2-1981	21-9-2010		
117	Tahir Ullah	Bismillah jan	1-3-1981	21-9-2010		
118	Waheed	Karam khan	21-2-1989	21-9-2010		
119	Saleem shahzad	Hafiz ullah	9-9-1981	21-9-2010		
120	Malak Masood	Siraj khan	7-5-1979	21-9-2010		
121	Malak Abdul Gafar Khan	Abdul satar	4-10-1981	21-9-2010		
122	Shakir Ullah	Arsala khan	14-11-1981	21-9-2010		
123	Pir Hasanat shah	Pir Nabi shah	6-1-1982	21-9-2010		
124	Muhammad ishafaq	Saleem khan	20-1-1984	21-9-2010		
125	Wiqar ullah	Parvaiz khan	15-12-1979	16-9-2010		PDA
126	Fayyaz khan	Muhammad Aslam	28-11-1978	9-7-2011		
127	Anwar ali	Taj Muhammad	1-7-1979	12-7-2011		
128	Muhammad Bostan	Gul Rehman	5-1-1991	28-12-2012		
	Wali khan	Misal khan	12-9-1981	28-12-2012		
130	Sana Ullah	Gulab Sher	10-7-1987	28-12-2012		
131	Tariq khan	Shams Ur Rehman	12-5-1985	28-12-2012		
132	Mumtaz ali shah	Abdul satar	15-8-1983	28-12-2012		
133	Umar nasir	Ulas khan	23-3-1987	28-12-2012		
134	Muhammad Nadeem	Ajmal khan	7-3-1986	12-7-2011		
135	Riaz Ahmad	Mawaz khan	18-4-1984	1-9-2009		
136	Maqsood Ur Rehman	Mafrood khan	25-3-1983	28-12-2012		
137	Muhammad Tufail	Muhammad Ishaq	1-3-1986	28-12-2012		
138	Rakhmat ilahé	Faramoshan	1987	28-12-2012		
139	Raj wali		5-8-1984	28-12-2012		
140	Masood khan	Jarwar	15-3-1968	20-4-2012		
141		Kachkul khan	9-2-1981	28-12-2012		
142		Tawaf khan	3-2-1981	28-12-2012		
143		Hussain	20-9-1979	28-12-2012		

ATTESTED TO BE TRUE COPY

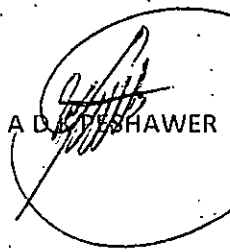
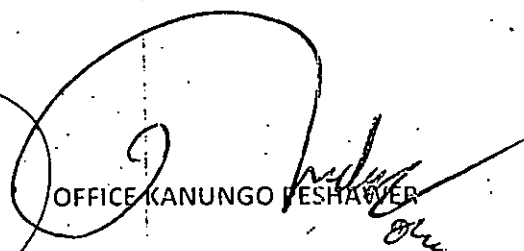
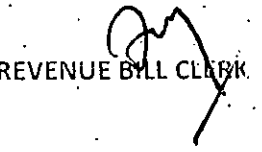
[Handwritten signatures]


[Handwritten signature]

50

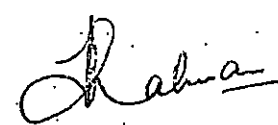
17

	NAME OF PATWARI	FATHER NAME	DATE OF BIRTH	DATE OF APPOINTMENT	Confirmation	REMARKS
144	Sadaqat khan	Sharafat khan	14-3-1985	18-12-2012		
145	Muhammad-Imran	Fida Muhammad	1-2-1986	28-12-2012		
146	Majid khan	Abdul Qayum	5-2-1982	28-12-2012		
147	Naeem Jan	Muhammd Azeem khan	12-12-1980	28-12-2012		
148	Muhammad Kamran	Muhammad Jalil	1-1-1985	29-10-2011		
149	Amjid khan	Misal khan	30-3-1983	28-12-2012		
150	Imtaiz khan	Aslam khan	4-4-1986	9-7-2011		PDA
151	Ibrar Khan	Nasrullah	7-2-1983	28-12-2012		PDA
152	Mansoor Ahmad	Dost Muhammad	15-8-1985	14-6-2011		
153	Iham ullah	Wali khan	16-3-1983	14-6-2011		
154	Farman Ullah	Muslim khan	3-9-1979	28-12-2012		
155	Wiqar Ahmad	Nisar Muhammad	18-9-1982	15-9-2009		
156	Muhammad Ijaz	Abdul Rauf	2-1-1987	16-12-2009		
157	Siraj Khan	Yahya khan	8-3-1988	28-12-2012		
158	Saif Ullah	Hamdullah	1-8-1986	14-6-2011		Sons quota merit list

 A.D. PESHAWER
  OFFICE KANUNGO PESHAWER
  REVENUE BILL CLERK



 08/05/2014

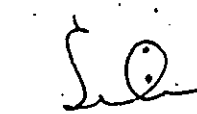


 SUPERINTENDENT DC OFFICE PESHAWER.

ATTESTED TO BE TRUE COPY

e/s

DC-P

 DC (P)

8/5/14

(18)

B

(2)

Annexure

بخدمت جناب ڈپٹی کمشنر صاحب ضلع پشاور

درخواست نمبر: 118/14

جناب عالی اسائل حسب ذیل عرض رساں ہے۔

- 1- یہ کہ من اسائل ایک وقت بحیثیت اسٹنٹ دفتر قانون گوئی تحصیل پشاور میں تعینات ہوں۔
- 2- یہ کہ قبل ازیں Most Senior پٹواری ہونے کی بنیاد پر سائل جنوری 2001ء میں PDA میں بطور گروڈ اور تعینات ہو کر تقریباً پانچ سال ڈیوٹی سرانجام دے چکا ہوں۔ حالانکہ جون 2001ء میں گروڈ اور پوسٹ کیلئے امتحان لازمی قرار دیا جا چکا تھا، اس کے باوجود چونکہ سائل Most Senior پٹواری ہونے کی بنیاد پر تعینات ہوا تھا اسلئے جون 2001ء آرڈر پاس ہونے کے باوجود سائل پانچ سال تک بحیثیت گروڈ اور PDA میں ڈیوٹی کرتا رہا۔
- 3- یہ کہ بعد ازاں سائل ستمبر 2005ء میں بطور ADK اور اس کے بعد سرکل خالصہ میں بطور گروڈ اور تعینات رہا ہے۔
- 4- یہ کہ نومبر 2005ء میں سائل کو خالصہ سرکل سے واپس PDA میں بحیثیت گروڈ اور بھیجا گیا، اور بعد ازاں 2006ء میں دوبارہ A.D.K تعینات کیا گیا۔
- 5- یہ کہ سال 2011ء میں سائل کو تحصیل پشاور میں بحیثیت آفس قانون گوئی تعینات کیا گیا، اور اب من اسائل تاحال بطور اسٹنٹ قانون گوئی ڈیوٹی سرانجام دے رہا ہوں۔
- 6- یہ کہ چونکہ سائل پر جون 2001ء کا اطلاق اس وقت بھی نہیں ہوا، اور اب بھی سائل پر یہ اطلاق ہونا سائل کے ساتھ زیادتی ہوگی، اس سلسلہ میں اقبال گروڈ اور کی Selection کی مثال موجود ہے۔

لہذا استدعا ہے، کہ سائل کی سنیارٹی کو مد نظر رکھتے ہوئے سائل کو بھی اسی تاریخ سے بحیثیت گروڈ اور پروموشن دی جائے، جس تاریخ سے اقبال گروڈ اور کی Selection ہوئی ہے۔ تاحیات دعا گور ہوں گا۔

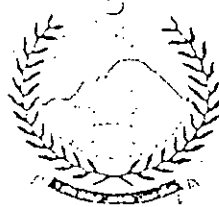
DK/EA
PI examine's
put up

29/8
14
محمد یونس خان

11/8
14

ATTACHED TO BE TRUE COPY

(29)



OFFICE OF THE
DEPUTY COMMISSIONER
PESHAWAR.

No. 2626 DC(P)DK.
Dated Pesh. the 01/09/2014.

To,

The Secretary Board of Revenue Khyber Pakhtunkhwa,
Peshawar.



Subject: APPLICATION OF MUHAMMAD YOUNAS KHAN PATWARI FOR
PROMOTION AS GIRDAWAR.


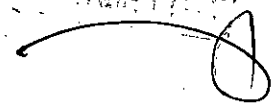
Reference is made to subject noted above and to enclose herewith the
subject application (Self Explanatory).

It is worth mentioning here that applicant, despite being senior most Patwari in District
Peshawar, has not been promoted because he has not yet passed the Kanoongo
Certificate Examination.

It is therefore requested to guide this office for taking further action in the matter.

End: File (25) Nos. Pages.


Deputy Commissioner
Peshawar 

RECEIVED TO BE FILED
 

PUC

Examined. Mr. Muhammad Younas Patwari presently working as AOK Tehsil Peshawar has submitted an application for sympathetic consideration regarding his promotion to the post of Kanungo/Girdawar on the basis of his previous postings as Kanungo in his own pay & scale as well as his seniority. He has requested that he, being senior and served as Kanungo, may be exempted from the service rules of 2001 wherein Passing of Kanungo Departmental Examination and successful completion of such training as may be prescribed by Govt. has been inducted. He has further mentioned the example of one Mr. Muhammad Iqbal S/o Sarbiland Khan, who has been promoted as Kanungo by exempting him from the service rules and requested for promotion from the date of promotion of Mr. Muhammad Iqbal.

As per record of this office, Mr. Muhammad Iqbal was promoted as Kanungo on 15/04/2009 on the judgement passed by the court of Senior Member Board of Revenue Khyber Pakhtunkhwa dated 08/04/2009 (Flag-A).

Submitted for further order please.

E.A. 5/9/14

2

3

DC(P)

DK

Pl. discuss

SO DC

4

As discussed

8/9/14

Case may be taken up with A Secretary (E) BDR

DK

SO DC

FORWARDED TO THE COPY

8/9/14

21

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Estt: VII/PT/Peshawar/ 22/144
Peshawar dated the 11/11/2014

To

The Deputy Commissioner,
Peshawar.

SUBJECT: APPLICATION OF MUHAMMAD YOUNAS KHAN PATWARI FOR
PROMOTION AS GIRDAWAR.

I am directed to refer to your letter No. 2626/DC (P)/DK dated 01.10.2014 and to state that according to Tehsildar/Naib Tehsildar Service Rules, 2008, the post of Kanungo is to be filled in by promotion on the basis of joint seniority Cum-fitness on District level from amongst the Patwaris /TRA who have passed Departmental Examination of Kanungo (Copy enclosed for facility) which are very clear and may be followed in letter and spirit

Assistant Secretary (Estt)

Office of the Deputy Commissioner,
Peshawar.
Diary No. 15548
Date. 12-11-14

ND ES

2) of ru

o. SRO.

the Estt

to this

Method of

) Twenty

) Sixty

Seniority -

Naib Tehsil

re conditi

ars from t

) Twenty

Seniority -

Assistants

Revenue N

Appellate C

Service as su

22 ~~25~~

25

OFFICE ORDER

Persuance to the Judgement /Order dated 07-04/2009 passed by the Court of Senior Member, Board of Revenue, NWFP, CMF. Mr. Muhammad Iqbal son of Malik Sirbiland Khan, Patwari is hereby Promoted as Girdawar / Kanungo (BPS-09) on regular basis against the vacant post and posted at CD & MD, with immediate effect.


District Officer,
Revenue & Estate, Peshawar

No. // 22-1201 /DOR&E/EA

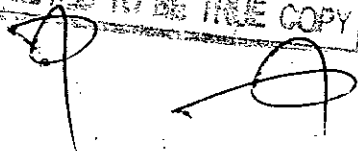
Dated 15/04/2009

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Copy forwarded to the:-
 Reader to Senior Member Board of Revenue, NWFP.
 Secretary Board of Revenue, NWFP, for information.
 Comptroller of Accounts District Peshawar.
 Director General, CD & MD, Peshawar.
 Collector, CD & MD, Peshawar.
 Tehsildar Peshawar.
 District Kanungo Peshawar.
 R.B.C. of this office.
 Official concerned (BY Name)
 Office Order file.


 District Officer,
 Revenue & Estate, Peshawar

TESTED TO BE TRUE COPY



(23) (26) (27)

IN THE COURT OF AHSANULLAH KHAN, SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

Cases No. 207/08
Date of Institution. 26/05/2008.
Date of Decision. 08/04/2009.

- (3)
1. Muhammad Ibrar Girdawar, District Peshawar.
 2. Syed Khurshid Shah, Naib Tehsildar District Peshawar.
 3. Fazal-e-Maula Assistant District Kanungo, Peshawar.
- Petitioners.

Versus

1. Muhammad Iqbal Patwari District Peshawar.
 2. District Officer (Revenue & Estate)/Collector, Peshawar.
- Respondents.

ORDER

This order will dispose of the above titled three applications submitted for review of order dated 07/05/2008 whereby the appeal of Muhammad Iqbal Girdawar Circle Canal Peshawar was accepted.

Facts of the case are that District Officer (Revenue & Estate)/Collector, Peshawar vide his order dated 18/09/2007 promoted M/S Khurshid Shah, Muhammad Ibrar and Fazli Maula etc as Kanungo (BPS-09) by ignoring the seniority of Muhammad Iqbal. Feeling aggrieved, he preferred an appeal before this court which was accepted vide order dated 07/05/2008 with the direction to District Officer (Revenue & Estate)/Collector, Peshawar to promote the appellant as Girdawar on regular basis according to seniority list of Patwaris. The applications were filed for review of this order by M/S Khurshid Shah, Muhammad Ibrar and Fazli Maula stating therein that they have not provided an opportunity of being heard and ex-parte order is passed against them which is liable to be set aside.

Parties present. Argument heard. Record perused. The review applications are accepted to the extent that the applicants should not be disturbed and the order dated 07/05/2008 is modified/reviewed to the extent that Muhammad Iqbal be promoted as regular Girdawar (BPS-09) against the vacant post. Parties are left to bear their own cost.

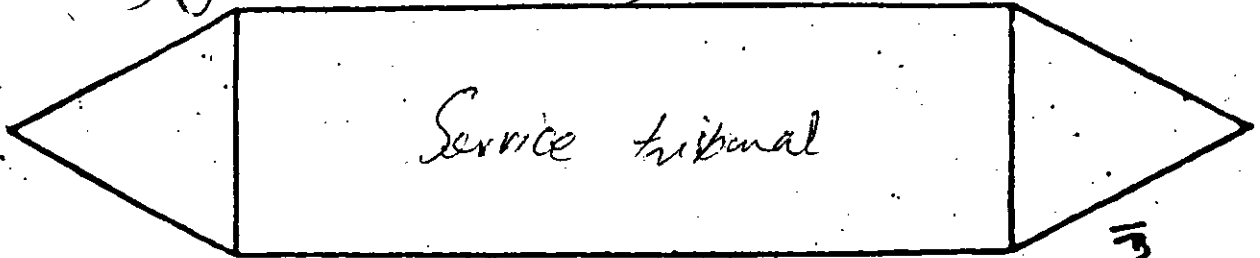
ANNOUNCED.
08/04/2009

EA
10/1/09
34-09
Reader to
Senior Member
NWFP

ATTESTED TO BE TRUE COPY

(AHSANULLAH KHAN)
SENIOR MEMBER,
BOARD OF REVENUE, NWFP.

بعد الت ختم صاحب ختم و طووان سروس گریجویٹس



Service Tribunal

سید منجیب اہل انصاف

نام محمد ابراہیم خان مسکنہ
دار محمد ابراہیم خان مسکنہ
مکملہ دار السجاد

مورث
مقدم
دعوی
جزم

باعث تحریر آنکہ

مقدم مندرج عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام کے لئے مقدمہ لکھ کر اور اس کے مقرر کر کے اقدام کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب کو کرنے واسطے نامہ و تقررات و فیصلہ برحلاف دیے جواب دیں اور اقبال دعویٰ اور بصورت دیگر کی کرنے اجراء اور وصول چیک و روپیہ اور مرضی دعویٰ اور درخواست ہتہم کی تصدیق نہ رہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دیگر کیگنر فیہ یا اپیل کی برآمدگی اور مرضی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا منتدیان قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو جسی وہی جلد مذکورہ بالا اختیارات حاصل ہو جائے اور اس کا ساتھ پدافتہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو چیز دہر جائز اتوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز تقیاً و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیش مقام دورہ پر ہو یا عد سے باہر ہو تو وکیل صاحب پابند نہیں ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا ذرات نامہ لکھنا کہ مستند رہے۔

Handwritten signatures and notes on the left margin, including a large signature that appears to be 'Atkash'.

Handwritten signature on the right margin.

Handwritten signature on the right margin.

المقدم
30
دکراش

مقام کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 485/2015

Muhammad Younas S/o Muhammad Ibrahim R/o Gulbahar Peshawar

VS

Deputy Commissioner & Others

Parawise comments of behalf of Respondent No. 1 Deputy Commissioner Peshawar

Respectfully herewith:

Preliminarily objection

- I. The present appeal is not maintainable in its present form.
- II. It is against rules and promotion policy.
 1. Pertains to record.
 2. In correct: The appeal / representation was considered and referred to Board of Revenue & Estate Khyber Pakhtunkhwa, wherein, the Respondent No. 1 was clearly instructed in light of "Tehsildar & Naib Tehsildar Service Rules. 2008, the post of Kanongo is filled in by the promotion on the basis of joint seniority-Cum-fitness at district level from amongst the patwaris / TRA who have passed departmental examination of Kanongo (copy attached as Annexure-A) which are clear and may be followed in letter & spirit", hence his application was filed.
 3. In correct: the appellant is not qualified and does not fulfill the criterion for promotion.

ON GROUND:

- A. Pertains to record.
- B. In correct: The notification has been considered in formulation rules pertaining to recruitment & promotions of Tehsildar, Niab Tehsildar and subordinate revenue staff which are clear and the appellant is not fulfilling the minimum qualification / criterion for promotion.
- C. In correct: The appellant is posted as AOK and during falling of post vacant due to transfer of regular Kanungoes / OK, he has temporarily worked in OPS.
- D. In correct: The appellant was promoted on temporary basis in his own pay & scale.
- E. The respondent No. 3 was promoted on the judgment / order of Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar dated 08/04/2009.
- F. In correct the respondent No. 4 was promoted on temporary basis in OPS.
- G. In correct: The respondents as mentioned by the appellants have cleared / passed the Kanongo certificate examination a pre requisite for promotion as Kanongo (BS-09) whereas the appellant has not passed the same hence not qualified.
- H. In correct: The applicant is Senior Most Patwari of District Peshawar but he is not qualified for promotion as Kanongo.
- I. In correct: The rules / policy for promotions are applicable at the time of promotion of the individual, hence, he has not been considered, whereas Muhammad Iqbal was promoted on the executive order of the Senior Member Board of Revenue Khyber Pakhtunkhwa.

- J. In correct: In light of notification 2001 till revision of rules in 2008, 2010 & 2016, the applicant is not qualified for promotion.
- K. The respondent No. 1 also request permission for any additional ground during argument before the Honorable Court.

In light of the above it is therefore humbly prayed before the Honorable Tribunal that the appeal in hand may very graciously be filed.



**Deputy Commissioner
Peshawar
Respondent No. 1**

GOVERNMENT OF NORTH - WEST FRONTIER PROVINCE - REVENUE AND ESTATE DEPARTMENT

NOTIFICATION

(Tehsildar, Naib Tehsildar / Subordinate Revenue Service Rules 2008)

Peshawar dated the 26/12/2008.

No. 3212 / Admn: I/135/SSRC.

In pursuance of the provisions contained in sub - rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SPO/457 (1) / 2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts borne on the same strength of Revenue and Estate Department specified in column 2 of the said appendix:-

<u>Appendix</u>						
1	2	3	4	5	6	7
S No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Second class Graduation from any University recognized by the Higher Education Commission.	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of Seniority - cum - fitness from amongst the Graduate Naib Tehsildar with at least Five Years Service as such. The condition of Graduation will be applicable after five years from the date of issuance of this Notification; and (c) Twenty percent by Promotion, on the basis of Joint Seniority - cum - fitness from amongst the Graduate Assistants / Senior Scale Stenographer of Board of Revenue NWFP Director Land Record NWFP Revenue Appellate Court / Sub - Registrar with at least Five Years Service as such.

Office of the

2	3	4	5	6	7
6. Kanungo (BPS - 09)	District Officer (Revenue & Estate) /Collector.				By promotion, on the basis of Joint Seniority - cum - fitness, on District level from amongst the Parwaris Tehsil Revenue Accountant and Wasil Baqi Nawis who have passed the Departmental Examination of Kanungo with at least five Years Service as such. By transfer from amongst Parwaris
7. Senior Tehsil Revenue Accountant (BPS 07) and Junior Tehsil Revenue Accountant Wasil Baqi Nawis/ Additional Wasil Baqi Nawis (BPS - 05)					
8. Parwaris (BPS - 05)	District Officer (Revenue & Estate) /Collector.	Intermediate or equivalent qualification, who have passed the Parwaris Examination having one year diploma in information technology from any institution technology from any institution recognized by Board of technical education	18 to 30	By initial recruitment	By initial appointment for amongst the Parwaris passed candidates entered in Register maintained by the District Collector of the District concerned having one year diploma in information technology from any institution recognized by Board of technical education. The condition of diploma will be applicable after three years from the date of issuance of Notification.

(Handwritten marks)

Sd/-
Secretary to Government of NWFP
Revenue and Estate Department

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal no 485/2015

Muhammad Younas vs DC and others

Rejoinder on behalf of Appellant
in respect of written statement
Comments of Respondents

Respectfully Sheweth:

- I, do correct, denied. That the appeal is maintainable in the present form.
- II para no II of the preliminary objection is incorrect, denied as the appeal is per rules and promotion policy. The Appellant was promoted to post of Girdawar 6 months prior than the implementation of promotion policy, & passing of Girdawar examination as those rules have been not provided any retrospective effect and for that very reasons the Respondent no 3 was promoted the least SPBR vide order dated 8/4/2009. which is

dictum to the case of the appellant and the appellant is also entitled to the same relief.

① Correct, record required perusal and perusal of the record would crystallized and clear the case of the appellant.

② Para no 2 is incorrect denied. The appellant was neither called nor any opportunity of being heard been provided to him, Tehsil dar promotion rules 2008 is not applicable in case of the appellant as the appellant was promoted to Jaidawan prior to the implementation of those rules.

③ Incorrect denied as the appellants are treated with discrimination how and why and under what authority the respondent no 3 and

and 4 have been promoted by Revenue board without the requisite courses and passing of mandatory examination despite of the facts

A Incorrect denied.

B Incorrect denied.

C Incorrect, denied, the appellant was promoted on probation and after completion of probation period he was not reverted to the post of patwar is amount to implied confirmation from the side of department towards appellant.

D Incorrect, denied, detail is given in reply to para nos of the comments.

The Appellant is also liable for the same relief and treatments.

F
Incorrect, hence denied. Respondent conceal some important material facts from the honorable tribunal.

G
Incorrect,

H,
denied.

I
Incorrect, denied.

K
Incorrect, misleading the court.

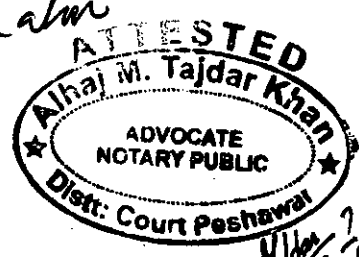
L
Some additional grounds will be raised at the time of argument.

Affidavit

The contents of this
deposition are true and
correct as per my
Solemn Affirmation

Muhammad
Baqar

Muhammad Yousaf



It is therefore most
humbly prayed that on
the acceptance of this deposition
the appeal of the appellant
may kindly be allowed
as prayed for.

Appellant Muhammad
Yousaf
Advocate
3/7/17